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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/795,886	03/08/2004	Cammie McDaniel	79824	2099
22242	7590	11/18/2005		
FITCH EVEN TABIN AND FLANNERY 120 SOUTH LA SALLE STREET SUITE 1600 CHICAGO, IL 60603-3406			EXAMINER NEWTON, JARED W	
			ART UNIT	PAPER NUMBER
			3634	

DATE MAILED: 11/18/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/795,886	Applicant(s) MCDANIEL, CAMMIE	
	Examiner Jared W. Newton	Art Unit 3634	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 March 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 08 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>3/29/04</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-3 and 5-12 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,901,888 to Schneider et al.

Schneider discloses a clothing organization device comprising:

1. A support 1b, a base 2, or structure supporting said support 1b, and a plurality of extensions 5 and 6 having pivot ends 7a, 7b and securable ends 5a, 6a and including attachment members 10 for receiving items, wherein the extensions may pivotally be moved between a first position where the securable end of the extension is generally disposed a first distance from the support (see FIG. 1, reference character 6) and a second position where the securable end is generally disposed a greater distance from the support (see FIG. 1, reference character 5) (claims 1, 11, and 12);
2. Said support being a generally vertical post (claims 2 and 11);
3. Said post being cylindrical (claim 3);
4. Said extensions or arms 5 and 6 pivoting between horizontal and vertical positions (see FIG. 1) (claim 5);

5. Said extensions being securable to said support when being in the position of being disposed the first distance (see FIG. 1, reference character 6) (claim 6);
6. Said securable ends being secured with a latch mechanism. Schneider recites, "...two securing mechanisms 3,4, such as latches, are incorporated near the top of the body..." (see COL. 4, LN. 38) (claim 7);
7. Each of said securable ends provided with a latch mechanism. Schneider recites, "...arm latching tabs 5a, 6a, are designed in this embodiment in such a manner that when each arm 5, 6, is located in a first position, its upright position, as shown in FIG. 1, and pressure is applied to the latching tabs 5a, 6a, in the direction of the body 1a, each latching mechanism 3,4 is moved downward, as shown in FIG. 1, until each arm latching tab 5a, 6a clears the body latching tab 3a, 4a..." (see COL. 4, LN. 55) (claims 8 and 9);
8. Said base 2 permitting rotation of the device around its central longitudinal axis. Schneider recites, "...hanging structure 2, such as a large hook, is inserted in such a manner that the body 1a may rotate 360 degrees..." (see COL. 4, LN. 33) (claims 10 and 11).

Claims 1, 2, 4, 5, 10, 11-13, 15-18 and 20 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 1,236,212 to Saladee.

Saladee discloses a folding clothes rack comprising:

1. A post support 5, a base 2 rigidly connected to the post; a plurality of sets of extensions 9 radially disposed from the post and adjustably positioned to provide access to clothing items stored thereon and to provide a compact arrangement to minimize the space required for storing and organizing the clothing; wherein the extensions may pivotally be moved between a first position where the securable end of the extension is generally disposed a first distance from the support post and a second position where the securable end is generally disposed a greater distance from the support; and attachments 13 depending from each extension for securing clothing items (claims 1, 11, 16);
2. Said post being generally vertical (claim 2);
3. Said post having a plurality of surfaces (claim 4);
4. Said extensions or arms 5 and 6 pivoting between horizontal and vertical positions (see FIG. 1) (claim 5);
5. Said base permitting rotation. Saladee recites, "...to form a bearing for the standard 5 to rotate upon..." (see LN. 71) (claims 10 and 11);
6. Said plurality of attachment members being hooks 13 able of rotating independently of the extension (see FIG. 1 vs. FIG. 2) (claims 12, 13, and 15)

7. A first set of extensions disposed above a second set of extensions (see FIG. 1) (claim 17);
8. Said extension sets being vertically aligned (see FIG. 1) (claim 18);
9. And, said extensions being independently and selectively positioned (claim 20).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 13-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over '888 to Schneider as applied to claims 11 and 12 above, alone.

In regard to the claims, Schneider recites, "The arms 5, 6 have a number of hang locations [members] 10, such as holes through which any conventional hanger may be inserted." (see COL. 5, LN. 37). The examiner takes official notice that It would have been obvious to one of ordinary skill in the art at the time of the invention to include hooks, clamps, and even independently rotating hangers as conventional hangers. It is obvious and well known in the art of clothing hanging and display to employ these conventional devices to support clothing.

Claim 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over '212 to Saladee as applied to claims 16-18 and 20 above, and in further view of U.S. Patent No. 1,476,667 to Wood.

Saladee does not show a staggered arrangement of said extensions. Wood discloses a clothes drier comprising sets of pivoting arms 25, wherein said arms are radially disposed about a support post 16 in a staggered arrangement wherein each arm of the upper set extends over a gap between two arms in the lower set as shown in Figure 1. It would have been obvious to one of ordinary skill in the art at the time of the invention to dispose the extensions as disclosed by Saladee in a staggered arrangement, as a design choice depending on the article or articles to be suspended from said extensions. If relatively long items are to be hung, then it would be obvious to stagger the extensions so that said lower extensions will not interfere with said items.

Claims 6-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over '212 to Saladee as applied to claims 1, 2, and 4 above, and in further view of '888 to Schneider.

Saladee discloses a device comprising all of the limitations of claim 4, but does not disclose a securing mechanism comprising a latch disposed on said extension arms. Schneider discloses the selectively securable latch mechanisms set forth above. It would have been obvious to one of ordinary skill in the art at the time of the invention to include the latch securing mechanism as taught by Schneider on the clothes rack as disclosed by Saladee. The motivation for including a securing means on the extension arms as disclosed by Saladee would be to maintain the arms in a vertical position when

the rack is moved from one location to another. A latch means would securely hold the arms in a stored position and enable to apparatus to be moved by a single person when the standard 5 is turned horizontally.


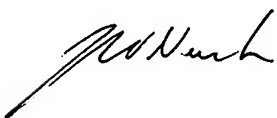
Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jared W. Newton whose telephone number is (571) 272-2952. The examiner can normally be reached on M-F 8-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Chilcot can be reached on (571) 272-6777. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JWN
November 10, 2005



RICHARD E. CHILCOT, JR.
SUPERVISORY PATENT EXAMINER